

**STATE OF WISCONSIN  
MILWAUKEE AND OZAUKEE COUNTIES  
VILLAGE OF BAYSIDE**

**ORDINANCE NO: 06-548**

An Ordinance to Create Section 106-39 and amend  
Sections of the Municipal Code  
With Regard to the Reimbursement of the Village's  
Professional Fees and Expenses By Applicants,  
Petitioners, and Requestors for Licenses, Permits, Approvals,  
Zoning Changes, Leases, Variances, and Special Exceptions

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The Village Board of the Village of Bayside, Milwaukee and Ozaukee Counties, Wisconsin do ordain as follows:

SECTION 1: Sec. 106-39 of the Municipal Code is hereby created to read as follows:

**Sec. 106-39 Reimbursement of Village's Professional Fees and Expenses by Applicants, Petitioners, and Requestors for Approval.**

(a) The applicant or petitioner for any license, permit, approval, zoning change, variance, or special exception in the Zoning Code or otherwise as identified in the Municipal Code as being subject to this section, or the lessee or purchaser of Village property, may be required to reimburse the Village for its reasonable professional fees and expenses (including but not limited to legal, engineering, planning, accounting, and financial consultant fees and expenses) incurred from non-employee vendors in processing the application, petition or request. The Village Manager shall impose the requirement for reimbursement of the Village's professional fees and expenses, based on a review of the following factors:

- (1) Financial burden to the applicant.
- (2) The extent to which fees and costs incurred are a direct and proximate result of the application, petition or request or the actions of the applicant, petitioner or requestor;
- (3) The cost of the Village's professional fees and expenses relative to the value of the permit, license, approval, rezoning, lease, variance or special exception or the subject matter thereof; and
- (4) Any prior agreements with the petitioner, applicant or requestor.

(b) The Village Manager shall determine as to what fees and expenses shall be reimbursed before a final decision on the petition, application or request based on the above factors. Applicants for licenses, permits, zoning changes, leases, variances and special exceptions shall be provided a copy of this ordinance prior to the Village incurring reimbursable fees and expenses.

(c) The Village Manager may require a deposit, bond, or other financial assurance before a final decision on the license, permit, approval, zoning change, lease, variance, or special exception in an amount sufficient to cover the Village's reasonable anticipated professional fees and expenses subject to this section.

(d) Unpaid professional fees and expenses due under this section may be placed on the property tax bill for the property in question pursuant to Section 66.0627, Wis. Stats., or may be collected by legal action in a court of competent jurisdiction.

(e) Any person who has been assessed any penalty or service charge pursuant to subsection (c) above shall have a right to appeal by filing a written request for reconsideration with the village manager within 30 days after receipt of notice of a penalty or service charge. The village manager shall have the authority to affirm, cancel or modify any penalty or service charge. A decision of the village manager may be appealed to the Finance and Administration Committee of the Village Board by filing a written notice of appeal with the village clerk within ten days after a written decision of the village manager. The Finance and Administration Committee shall have the authority to affirm, amend or reverse the decision of the village manager or take such other action deemed appropriate.

SECTION 2: This ordinance shall take effect the day after publication in the *North Shore Herald*.

PASSED AND ADOPTED this 2nd day of March, 2006.

Countersigned:

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Samuel D. Dickman, President

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Lynn A. Galyardt, Village Clerk/Treasurer